

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

TRANSCRIPT OF RECORD.

Court of Appeals, District of Columbia

OCTOBER TERM, 1908.

No. 1930.

576

No. 10, SPECIAL CALENDAR.

JAMES RUDOLPH GARFIELD, SECRETARY OF THE INTERIOR OF THE UNITED STATES, APPELLANT,

vs.

UNITED STATES *EX RELATIONE* EUGENE E. STEVENS, THOMAS R. HARNEY, MARTHA G. HARNEY, AND EVELYN STEVENS, BY MARTHA G. HARNEY, HER GUARDIAN.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

FILED AUGUST 3, 1908.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA
OCTOBER TERM, 1908.

No. 1930.

No. 10, SPECIAL CALENDAR.

JAMES RUDOLPH GARFIELD, SECRETARY OF THE IN-
TERIOR OF THE UNITED STATES, APPELLANT,

vs.

UNITED STATES *EX RELATIONE* EUGENE E. STEVENS,
THOMAS R. HARNEY, MARTHA G. HARNEY, AND
EVELYN STEVENS, BY MARTHA G. HARNEY, HER
GUARDIAN.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

INDEX.

	Original.	Print.
Caption.....	<i>a</i>	1
Order for supersedeas bond and fixing penalty of same ; exception..	1	1
Order allowing special appeal.....	2	2
Designation of record on first special appeal.....	2	2
Clerk's certificate.....	4	3

In the Court of Appeals of the District of Columbia

No. 1930.

J. R. GARFIELD, Secretary, &c., Appellant,

vs.

U. S. *ex Rel.* EUGENE E. STEVENS ET AL.

a Supreme Court of the District of Columbia.

At Law. No. 50621.

UNITED STATES *ex Relatione* EUGENE E. STEVENS, THOMAS R. HARNEY, MARTHA G. HARNEY, and EVELYN STEVENS, by MARTHA G. HARNEY, Her Guardian, Petitioners,

vs.

JAMES R. GARFIELD, Secretary of the Interior of the United States, Respondent.

UNITED STATES OF AMERICA, *District of Columbia, ss:*

Be it remembered, that in the Supreme Court of the District of Columbia, at the City of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above-entitled cause, to wit:

1 Supreme Court of the District of Columbia.

WEDNESDAY, *July* 8, 1908.

Session resumed pursuant to adjournment, Mr. Justice Wright presiding.

* * * * *

At Law. No. 50621.

UNITED STATES *ex Relatione* EUGENE E. STEVENS, THOMAS R. HARNEY, MARTHA G. HARNEY, and EVELYN STEVENS, by MARTHA G. HARNEY, Her Guardian, Petitioners,

vs.

JAMES R. GARFIELD, Secretary of the Interior of the United States, Respondent.

Upon motion of the petitioners in open Court, it is ordered that the penalty of the bond on appeal noted herein to the Court of Ap-

peals of the District of Columbia, to act as a Supersedeas, be, and hereby is fixed in the sum of Fifty thousand dollars (\$50,000.)

From the foregoing the Respondent notes an exception.

Order Allowing Special Appeal.

Filed July 13, 1908.

Court of Appeals of the District of Columbia, April Term, 1908.

No. 302, Original Docket.

JAMES RUDOLPH GARFIELD, Secretary of the Interior, Petitioner,
vs.

THE UNITED STATES *ex Relatone* EUGENE E. STEVENS, THOMAS R. HARNEY, MARTHA R. HARNEY, and EVELYN STEVENS, by MARTHA G. HARNEY, Her Guardian.

JULY 10, 1908.

2 It is ordered that the special appeal prayed for from the order of the Court requiring a bond to be given by the appellant James Rudolph Garfield, Secretary of the Interior, in order to perfect his said appeal and supersede the execution of the judgment appealed from, be and is hereby allowed and granted.

SETH SHEPARD,
Chief Justice.
CHAS. H. ROBB,
Associate Justice.

A true copy.

Test:

HENRY W. HODGES,
[SEAL.] Clerk of the Court of Appeals of the
District of Columbia.

Designation of Record on First Special Appeal.

Filed July 30, 1908.

In the Supreme Court of the District of Columbia.

At Law. No. 50621.

UNITED STATES OF AMERICA *ex Rel.* EUGENE E. STEVENS ET AL.,
Relators,
vs.

JAMES RUDOLPH GARFIELD, Respondent.

The following papers, pleadings and memoranda are hereby designated by counsel for the respondent as the record to be made and used in the Court of Appeals for the District of Columbia on the special appeal allowed by the said Court of Appeals from the order of the Supreme Court of the District of Columbia requiring a super-

3 sedeas bond to be given by respondent in order to perfect his appeal, said special appeal being the one dated July 10, 1908:

1. The order of the Supreme Court of the District of Columbia requiring the respondent, Garfield, Secretary of the Interior, to furnish supersedeas bond in the sum of Fifty Thousand Dollars (\$50,000) in order to stay the judgment appealed from and supersede the execution of the writ of mandamus.

2. The exception of respondent to the said order.

3. The order of the Court of Appeals of the District of Columbia dated July 10, 1908, allowing the special appeal from the said order of the Supreme Court of the District of Columbia.

4. This order.

DANIEL W. BAKER,
U. S. Att'y.
GEORGE W. WOODRUFF,
Ass't Att'y Gen.

Service of copy of above accepted this 28th day of July A. D. 1908.

HENRY E. DAVIS,
WM. T. S. CURTIS,
BARNARD & JOHNSON,
Attorneys for Relators.

4 Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA, *District of Columbia*, ss:

I, John R. Young, Clerk of the Supreme Court of the District of Columbia, hereby certify the foregoing pages numbered from 1 to 3, both inclusive, to be a true and correct transcript of the record according to directions of counsel herein filed, copy of which is made part of this transcript, in cause No. 50621 at Law, wherein United States, *ex relatione* Eugene E. Stevens, *et als.* are Petitioners and James R. Garfield, Secretary, &c., is Respondent, as the same remains upon the files and of record in said Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court, at the City of Washington, in said District, this 3rd day of August, A. D. 1908.

[Seal Supreme Court of the District of Columbia.]

J. R. YOUNG, *Clerk*,
By ALF G. BUHRMAN,
Assistant Clerk.

Endorsed on cover: District of Columbia supreme court. No. 1930. J. R. Garfield, Secretary, &c., appellant, *vs.* U. S. *ex rel.* Eugene E. Stevens *et al.* Court of Appeals, District of Columbia. Filed Aug. 3, 1908. Henry W. Hodges, clerk.